

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Debi Piscitiello,

Plaintiff,

Civ. No. 10-4384 (RHK/JSM)

ORDER

v.

Burns & Hoffman, Inc.,

Defendant.

This matter is before the Court *sua sponte*.

Plaintiff Debi Piscitiello alleges in this action that Defendant Burns & Hoffman, Inc. (“Burns”) violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, while attempting to collect a debt she owed to CashNet USA. She commenced this action on October 27, 2010, and effected service on Burns on November 10, 2010, in Buffalo, New York, the location of its principal place of business. Burns has failed to respond to the Complaint or otherwise appear in this action.

On February 22, 2011, Piscitiello filed a Motion for Default Judgment, noticing her Motion for a hearing on April 14, 2011. Under Local Rule 7.1(b)(2), Burns’s opposition to the Motion was due on or before March 24, 2011. Nevertheless, Burns has failed to respond to the Motion.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that the hearing on Piscitiello’s Motion for Default Judgment (Doc. No. 12),

currently scheduled for April 14, 2011, is **CANCELED**. The Court will decide the Motion based on the written record.

The Clerk of the Court is **DIRECTED** to mail a copy of this Order to Burns & Hoffman, 167 Ashland Avenue, Buffalo, New York 14222.

Dated: April 4, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge